

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARTIN JOSEPH, <i>et al.</i> ,	:	Case No. 1:21-cv-06054-WFK-JRC
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
FRONTIER AIRLINES, INC.,	:	
	:	
Defendant.	:	
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**JOINT MOTION FOR ENTRY OF PROPOSED AGREED CONFIDENTIALITY
ORDER**

Plaintiffs, MARTIN JOSEPH, *et al.* (“Plaintiffs”), by their attorneys Gutman Weiss, P.C., and Defendant, FRONTIER AIRLINES, INC., (“Defendant”), by its attorneys Hinshaw & Culbertson LLP, (hereinafter collectively referred to as the “Parties”), pursuant to Fed. R. Civ. P. 26(c), submit this Joint Motion for Entry of Proposed Agreed Confidentiality Order. In support of their Motion, the Parties state as follows:

1. Plaintiffs seek damages for injuries allegedly suffered on February 28, 2021 relating to Frontier Airlines flight 2878 scheduled to depart from Miami International Airport in Miami, Florida and arrive at LaGuardia Airport in Queens, New York.

2. On October 31, 2023, the Court held a telephonic conference on this matter, during which the Parties apprised the Court of their desire for a Protective Order, and the Court instructed the parties to submit a Joint Motion should the parties be able to agree upon a Protective Order, as they have done here.

3. The Court may “for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” such as “requiring that a

trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specific way.” Fed. R. Civ. P. 26(c).

4. The Parties may produce certain written materials in this matter that contain confidential information that is prohibited from disclosure by statute or otherwise contains information that reveals confidential third-party and party personally identifying information that is not relevant to the subject action; proprietary information; trade secrets; U.S. Government Sensitive Security Information (“SSI”); research, technical or commercial information; party personal financial information, physical and mental health records, and/or employment records.

5. The Parties agree that a Confidentiality Order is therefore necessary, as it will allow them to mark and produce such information as confidential and/or, when necessary “Attorneys’ Eyes Only.” Accordingly, for consideration and entry by the Court, the Parties prepared an Agreed Confidentiality Order, pursuant to the Court’s standard form and which tracks the Parties’ proposed revisions to that form. A copy of the Proposed Confidentiality Order is attached here as **Exhibit A.**¹

6. The Proposed Confidentiality Order does not provide that items designated as confidential may, for that reason, be filed with the Court under seal absent compliance with the Eastern District of New York’s and the individual judges’ guidelines for filing sealed documents.

7. Accordingly, the Parties respectfully request that this Honorable Court enter the attached Proposed Agreed Confidentiality Order which will allow the Parties to designate certain materials as “CONFIDENTIAL” subject to the terms and conditions set forth within.

¹ A redline of the Court’s standard order is attached as **Exhibit B.**

WHEREFORE, Plaintiffs, MARTIN JOSEPH, *et al.*, and Defendant, FRONTIER AIRLINES, INC., respectfully request that this Honorable Court enter the Proposed Agreed Confidentiality Order and order any further relief this Court deems necessary and proper.

Dated: March 18, 2024

Respectfully submitted,

s/ Dov Medinets

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MARTIN JOSEPH, <i>et al.</i> ,	:	Case No. 1:21-cv-06054-WFK-JRC
	:	
Plaintiffs,	:	CERTIFICATE OF SERVICE
	:	
-against-	:	
	:	
FRONTIER AIRLINES, INC.,	:	
	:	
Defendant.	:	
-----	X	

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on March 18, 2024, I caused a true and correct copy of the foregoing Joint Motion of Entry of Proposed Agreed Confidentiality Order to be electronically filed with the Clerk of the U.S. District Court for the Eastern District of New York, by using the CM/ECF system, which will send notification of such filing to all CM/ECF participants of record in this matter.

Dated: March 18, 2024

/s/ Evan Kwart
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